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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,394	10/20/2003	Justin Monk	020375-043300US	3753
20350 7590 06/29/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3691	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,394

Applicant(s)

MONK ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/27/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Response to Arguments

In view of the Appeal Brief filed on February 27, 2007, PROSECUTION IS HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, and 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillmer et al. (US 6,714,918) in view of Bard et. al. (US 2003/0046222).

Re claim 1, Hillmer teaches an account acquisition fraud management system (col. 1, lines 53-67), the account acquisition fraud management system comprising:

a first analysis engine, wherein the first analysis engine is associated with a first stored value product (col. 3, lines 29-35); *in other words, Hillmer pools information from different vendors to detect fraud transactions (i.e. stored value product);*

a second analysis engine, wherein the second analysis engine is associated with a second stored value product... (col. 3, lines 50-65); *a second analysis engine is when the individual vendor to reconfigure the system to reduce error rates; and*

a cross monitor, wherein the cross monitor is operable to accept a first transaction information from the first analysis engine about a first transaction with the first stored value product and a second transaction information from the second analysis engine about a second transaction with the second stored value product, wherein the first transaction information is provided from the cross monitor to the second analysis engine (col. 7, lines 7-28; col. 5, lines 3-39); *in other words, cross monitor in Hillmer is a fraudulent value scale; and*

wherein the second analysis engine is operable to determine a transaction velocity from the first and second transaction information, and stalling the second transaction when the transaction velocity exceeds a velocity threshold (col. 6, lines 21-65); *Hillmer teaches a pool of issuers (i.e. vendors) halting a particular transaction if it reaches a predetermined threshold.*

However, Schultz does not explicitly teach from a different issuer than an issuer of the first stored value product. On the other hand, Bard discloses from a different

issuer than an issuer of the first stored value product (para. 0010-0011 and 0112). He discloses enable a credit card issuer to identify a group of customers (or potential customers) that are not eligible to obtain standard credit card products offered by the credit card issuer. The credit card issuer may rank the customers included in the group based on predetermined criteria, such as credit history and earning capacity. Once the credit card issuer has ranked the group of customers, various offers for a starter credit card account are presented to each customer, based on their ranking. Subsequently, starter credit card accounts are provided to those customers who have accepted the offers. The starter credit card accounts are associated with predetermined parameters that are designed particularly for the identified customers, and may include, for example, interest rates of zero percent, and reduced credit limits. Thus, it would have been obvious to one of ordinary skill in the art to enable competing issuers and main issuer in loaning credits for customers as a form of incentive in granting credits as discloses in Bard.

Re claim **2**, Hillmer teaches a computer readable medium accessible to the cross monitor, wherein the computer readable medium includes the first transaction and the second transaction information (col. 8, lines 23-67).

Re claims **4** and **8-11**, Hillmer teaches the first transaction information and the second transaction information are selected from a group consisting of:

a physical address, a telephone number, a virtual address, and
a load source (col. 4, lines 38-51).

Re claims **5** and **12**, Hillmer teaches the cross monitor is further operable to maintain the first transaction information is a queue associated with an issuer of the second stored value card product (col. 9, line 50 to col. 10, line 48).

Re claim **6**, Hillmer teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. In addition, Hillmer teaches a method for detecting fraud in relation to stored value products (col. 3, lines 29-35), the method comprising:

receiving a first suspicious activity indication from a first issuer analysis engine, wherein the first issuer analysis engine is operable to monitor activities occurring in relation to a first plurality of stored value products associated with the first issuer (col. 11, line 67 to col. 12, line 13);

receiving a second suspicious activity indication from a second issuer analysis engine, wherein the second issuer analysis engine is operable to monitor activities occurring in relation to a second plurality of stored value products associated with a second issuer different from the first issuer (fig. 2B); *in other words, Hillmer discloses multiple vendors (i.e. issuers) monitor fraud activities by the fraudulent system.*

maintaining the first suspicious activity indication and the second suspicious activity indication in a global negative file (col. 7, lines 7-28; col. 8, lines 7-22); *a type of global negative file is an entity external to the vendor is a fraud detection service provider who provides fraud detection services to multiple vendors;*

receiving an activity request from the first issuer analysis engine, wherein he request includes a transaction information about a current transaction with one of the

first plurality of stored value products associated with the first issuer (col. 9, line 21 to col. 10, line 58);

based at least in part on the transaction information, accessing the global negative file (col. 8, lines 7-22);

calculating a transaction velocity based on the transaction information, and the first and second suspicious activity indication in the global negative file (col. 11, lines 1-67); and

providing a response, wherein the response indicates whether the current transaction exceeds a velocity threshold (col. 12, lines 14-49).

Re claim 13, Hillmer teaches the response includes at least two of the following: a data of the suspicious behavior, a funding account number, a denial reason, a review status, and a reviewer note (col. 14, lines 10-65).

Re claim 14, Hillmer teaches the response includes an indication of related accounts (col. 13, lines 17-34). *Correspondingly, Hillmer checks related accounts of customers for fraudulent activities.*

Re claim 15, Hillmer teaches the response is a first response associated with a first account, wherein the global negative file indicates a second account associated with the first account, and wherein the method further comprises: providing a second response to the second issuer associated with the second account (col. 8, lines 7-67).

Re claim 16, Hillmer teaches a system as claimed in claims 1 and 6. Therefore the rationale applied in the rejection of claims 1 and 6 applies herein. In addition,

Hillmer teaches a system for suppressing fraudulent activity in relation to account acquisition (col. 13, lines 3-16), the system comprising:

a first load monitor associated with a first issuer (col. 3, lines 29-35); *in other words, Hillmer pools information from different vendors to detect fraud transactions (i.e. stored value product);*

a second load monitor associated with a second issuer (col. 3, lines 50-65);

a first enrollment monitor associated with the second issuer (figs. 2a-3a); and

a cross monitor, wherein the cross monitor is operable to assemble information from the first load monitor or first enrollment monitor, and the second load monitor or second enrollment monitor with a transaction using a first stored value product, and wherein the cross monitor is operable to determine a transaction velocity for the transaction using the information, and communicate the transaction velocity to both the first issuer and the second issuer (col. 7, lines 7-28; col. 5, lines 3-39).

Re claim 17, Hillmer teaches a request to load value on a stored value product associated with the first issuer is processed at least in part by the first load monitor (col. 6, lines 37-65).

Re claim 18, Hillmer teaches first load monitor is operable to apply a velocity check on a load request (fig. 2a). Hillmer discloses internal and external check.

Re claim 19, Hillmer teaches first load monitor is further operable to compare the velocity with a predefined velocity limit (col. 6, lines 21-36). *Correspondingly, Hillmer discloses a check to see if the value of the commodities is valid.*


Re claims **20-21**, Hillmer teaches first load monitor is operable to provide a detected suspicious activity to the cross monitor (col. 11, line 55 to col. 12, line 50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Thu Thao Havan
Art Unit: 3691
6/24/07